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7
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9 Attorney for Debtor

10 UNITED STATES BANKRUPTCY COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 In Re: ROBERT CARPENTER and
13 DAWN CARPENTER

14 Case No. 11-39853-E-13C
15 Docket Control No. MWB-3

16 DECLARATION
17 IN SUPPORT OF
18 MOTION FOR ORDER
19 CONFIRMING SECOND AMENDED
20 CHAPTER 13 PLAN

21 DATE: November 15, 2011
22 TIME: 2:00 pm
23 JUDGE: SARGIS
24 ROOM: 33

25 Local Rule 9014-1
26 11 USC § 1329

27 Debtor.

28 /

I, ROBERT CARPENTER, declare:

I, and my wife, DAWN CARPENTER, are debtors in the above referenced Chapter 13 proceeding. I make this Declaration in Support of the Motion for Order Confirming our Second Amended Chapter 13 Plan.

1. On August 15, 2011, we filed a Chapter 13 petition under the United States Bankruptcy Code. Due to a pending foreclosure sale, the Chapter 13 was filed as an emergency petition. On

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7 August 29, 2011, we filed the remaining schedules and Chapter 13 Plan. David Cusick has been
8 appointed our Chapter 13 Trustee.

9 2. On August 14, 2011 and prior to the filing, we obtained a certificates of credit
10 counseling, which certificates were filed with the petition. We have not completed the Personal
11 Financial Management class as of this date, however we are aware we must do so to receive a
12 Discharge of Debtor pursuant to 11 USC § 1328.

13 3. Our Chapter 13 Meeting of Creditors was held September 8, 2011 at US District
14 Court in Redding, California. We attended the meeting and were examined by the Chapter 13
15 Trustee.

16 4. It has been determined we have an IRS obligation which must be paid through the
17 Chapter 13 Plan. As a result, we were advised a Second Amended Chapter 13 Plan must be filed. A
18 Second Amended Chapter 13 Plan has been filed which plan complies with all applicable laws
19 under Title 11 of the US Bankruptcy Code.

20 5. All fees and/or charges, as required by the Federal Bankruptcy Court, have been paid.

21 6. The Second Amended Chapter 13 Plan is proposed in good faith and not by any means
22 forbidden by law.

23 7. Unsecured creditors are being paid the same as in a Chapter 7 liquidation.

24 8. We are retaining the collateral of Aurora Home Loans, who holds the First Trust Deed
25 against our personal residence. This creditor is being paid pursuant to 11 USC § 1325(a)5B.

26 We are also retaining the collateral of Members First Credit Union, regarding three vehicles. This

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7 creditor is also being paid pursuant to 11 USC § 1325(a)5B. In Docket Control Number MWB-1,
8 we have requested this Court grant our Motion to Value Collateral regarding the Second Deed of
9 Trust due Resurgent Capital Services. The hearing is scheduled for October 4, 2011.

10 9. Filed schedules I and Amended Schedule J provide proof of our ability to make the
11 Chapter 13 Plan payment.

12 10. We have no domestic support obligations either pre-petition or post-petition.

13 11. We have filed all required Federal and State income tax returns.

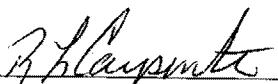
14 On behalf of my wife and myself, I respectfully request the Court Approve our Second
15 Amended Chapter 13 Plan.

16 I declare under penalty of perjury the foregoing is true and correct. Executed in Cottonwood,
17 Tehama County, California.

18

19 DATED: 9/15/11

20

21 
ROBERT CARPENTER
DEBTOR